IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21205 of 2004

Between:

1 Kathula Vardeep, S/o.K.Vara Prasad, R/o.305, Anand Towers, Water Tank, Nakkalagutta, Hanumakonda, Warangal Dist.
2 P.Rajesh, S/o.Hari Babu,
H.NO.305, R/o.Hanumakonda, Warangal District.

..... PETITIONERS

AND

1 The Principal Balaji Insitute of Technology and Sciences, Maheshwaram, Narsampet, Warangal District.
2 The Kakatiya University, Warangal rep.by its Registrar, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, writ or direction more particularly one in the nature of writ of Mandamus, directing the respondents herein to allow the petitioner to write the remaining subjects both written and practicals scheduled to be held from 18-11-2004 onwards for the 3rd year (C.S.I.T.) and 2nd year (C.S.E) of the 4 years Degree course respectively taking into consideration the petitioners illness.

Counsel for the Petitioners:MR.S.TULASI DAS

Counsel for the Respondent NO.1: MR.B.NARAYANA REDDY

Counsel for the Respondent No.2:None appeared.

The Court, at the stage of admission, made the following :

ORDER

Heard the learned counsel for the petitioners and learned Standing Counsel for the respondents. Both the counsel requested for disposal of the writ petition at the stage of admission.

Admittedly, petitioners have not put in minimum percentage of attendance for making themselves eligible to write the first semester examination of III year and first semester examination of II year, which are commenced on 9.11.2004 and 8.11.2004 respectively. Even according to the petitioners, the first petitioner is having 62% of attendance, 3% less and second petitioner is having 60% of the attendance, 5% less to the minimum qualifying attendance of 65%.

A Division Bench of this Court in **AKILESH LUMANI v PRINCIPAL, SIR C.R. REDDY AUTONOMOUS COLLEGE, ELURU** and **K.PRADEEP v JAWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY, HYDERABAD** categorically held that either the University or College cannot condone the shortage of attendance beyond 65%. In other words, the respondents can condone only 10% of the shortage of attendance to make it 75%, which is eligible criteria for appearing for the examination. In view of the same, no relief can be granted to the petitioners.

Accordingly, the writ petition is dismissed. No costs.

_____

A. GOPAL REDDY. J.

19th November, 2004

tsr.

To

1 The Principal Balaji Institute of Technology and Sciences, Maheshwaram, Narsampet, Warangal District.
2 The Registrar, Kakatiya University, Warangal, Warangal District

3. Two C.D. copies.